



PTO/SB/64 (10-01)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

MI 22-1637

First named inventor: Luan C. Tran

Application No.: 09/834,660

Art Unit: 2813

Filed: April 12, 2001

Examiner: L. Schillinger

Title: Semiconductor Processing Methods of Forming Transistors, Semiconductor Processing Methods of Forming Dynamic Random Access Circuitry, and Related Integrated Circuitry

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

EV085429464

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1300.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to 1/30/2002 Office Action (identify type of reply):

- ☒ has been filed previously on 4/30/2002
☒ is enclosed herewith.

B. The issue fee of \$_____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1/15/03
Date

[Signature]
Signature

Telephone
Number: (509) 624-4276

James D. Shaurette, Reg. No. 39,833

Typed or printed name

601 W. First Ave., #1300, Spokane

Address

Spokane, WA 99201

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Authorization to charge petition fee under 37 C.F.R. §1.137(b)
to deposit account no. 23-0925

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

1/15/03
Date

[Signature]
Signature

Natalie D. King

Type or printed name of person signing certificate

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 09/834,660
Filing Date April 12, 2001
Inventor Luan C. Tran
Assignee Micron Technology, Inc.
Group Art Unit 2813
Examiner Laura Schillinger
Attorney's Docket No. MI22-1637
Title: Semiconductor Processing Methods Of Forming Transistors, Semiconductor
Processing Methods Of Forming Dynamic Random Access Memory
Circuitry, and Related Integrated Circuitry

TO: OFFICE OF PETITIONS
Assistant Commissioner for Patents
Washington D.C. 20231

EV085429464

FROM: James D. Shaurette (Tel. 509-624-4276; Fax 509-838-3424)
Wells, St. John, P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3828

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**PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF
ABANDONMENT FOR PATENT APPLICATION**

Applicant hereby petitions to withdraw the holding of abandonment of the application filed on behalf of the applicant, Luan C. Tran, for the above-identified application entitled, "Semiconductor Processing Methods Of Forming Transistors, Semiconductor Processing Methods Of Forming Dynamic Random Access Memory Circuitry, and Related Integrated Circuitry."

On April 30, 2002 Applicant timely filed a Response to the January 30, 2002 Office Action by Express Mail as evidenced by the enclosed copy of an Ex-Post Declaration of Express Mailing. Applicant further submits a Statement

Attesting to Mailing by Jane Boone further evidencing proper filing of the Response to Office Action dated January 30, 2002. The response was filed appropriately and in a timely manner in accordance with the statutory period for response indicated as three months in the January 30, 2002 Office Action. The response was received by the US Patent and Trademark Office as evidenced by the enclosed copy of the return receipt postcard which has been stamped by the Office. The stamp of the postcard indicates the Office received the listed Response to January 30, 2002 Office Action. The undersigned spoke with Examiner Laura Schillinger on January 7, 2003 who indicated that the application has been abandoned for failure to receive the Office Action Response filed April 30, 2002. The undersigned further spoke with John Gillon on January 13, 2003 regarding the filing of this petition. Applicant hereby diligently and timely files this Petition to Withdraw Holding of Abandonment and revive the application.

Applicant hereby submits copies of the Ex Post Declaration of Express Mailing, the stamped postcard, a transmittal form for the response, a fee transmittal for the response, a check no. 134863 for the response, and the response to January 30, 2002 Office Action. In addition, Applicant submits a copy of the canceled check no. 134863.

Applicant submits the Office received the response to the January 30, 2002 Office Action as evidenced by the enclosed stamped postcard, Ex Post Declaration of Express Mailing, canceled check, and statement.

Applicant respectfully petitions to withdraw holding of abandonment for the present patent application.

In the event this petition is denied, Applicant respectfully requests revival of the application pursuant to Petitions filed herewith under 37 C.F.R. §1.137(a) or 37 C.F.R. §1.137(b). The undersigned respectfully requests a telephone call to (509) 624-4276 if the petition under 37 C.F.R. §1.181 is not believed to be grantable.

Applicant does not believe a fee is due as this mistake is believed to result from P.T.O. error indicated by the stamped postcard indicating receipt of the application by the Office and thereafter, the subsequent loss of such papers, however in the event that a fee is owing for any of the petitions under 37 C.F.R. §1.181, §1.137(a) or §1.137(b), the Commissioner is hereby authorized to charge payment of fees or credit overpayments to Deposit Account No. 23-0925 in connection with any of the submitted petitions under 37 C.F.R. §1.181, §1.137(a) or §1.137(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom.

Date:

1/15/03



Signature of Practitioner filing under
Rule 34(a)

James D. Shaurette

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